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## PART - VII GOVERNMENT OF MEGHALAYA ORDERS BY THE GOVERNOR

### NOTIFICATION

The 28th April, 2004.

**No.LL(B).45/2004/40.**—The following Acts of 2003 and 2004, as passed by the Parliament and assented by the President of India and published in the Gazette of India Part I Section I, on the date indicated below is hereby republished for general information:-

	<b>Name of Acts</b>	<b>Act No. &amp; Year</b>	<b>Date of publication in the Gazette of India.</b>
1.	The Marriage Laws (Amendment) Act, 2003.	50 of 2003	23.12.2003
2.	The Electricity (Amendment) Act, 2003.	57 of 2003	31.12.2003
3.	The Constitution (Ninety-First Amendment) Act, 2003.		2.1.2004
4.	The Representation of the People (Second Amendment) Act, 2003.	2 of 2004	—do—
5.	The Delimitation (Amendment) Act, 2003.	3 of 2004	—do—
6.	The Prevention of Terrorism (Amendment) Act, 2003.	4 of 2004	5.1.2004
7.	The Citizenship (Amendment) Act, 2003.	6 of 2004	8.1.2004
8.	The Constitution (Ninety-Second Amendment) Act, 2003.		—do—
9.	The Foreigners (Amendment) Act, 2004	16 of 2004	23. 2. 2004
10.	The Constitution (Eighty-Eight Amendment) Act, 2003.		16. 1. 2004

**THE MARRIAGE LAWS (AMENDMENT) ACT, 2003****(AS PASSED BY THE HOUSES OF PARLIAMENT)****An  
ACT**

*further to amend the Special Marriage Act, 1954 and the Hindu Marriage Act, 1955.*

Be it enacted by Parliament in the fifty-fourth Year of the Republic of India as follows :—

**CHAPTER I****PRELIMINARY**

1. This Act may be called the Marriage Laws (Amendment) Act, 2003. Short title.

**CHAPTER II****AMENDMENTS TO THE SPECIAL MARRIAGE ACT, 1954**

- 43 of 1954 2. In the Special Marriage Act, 1954 (hereinafter referred to as the Special Marriage Act), in section 31, in sub-section (1), after clause (iii), the following clause shall be inserted, namely :—

“(iiiia) in case the wife is the petitioner, where she is residing on the date of presentation of the petition; or”.

- Amendment of Section 39. 3. In Section 39 of the Special Marriage Act, in sub-section (4), for the words “period of thirty days”, the words “period of ninety days” shall be substituted.

**CHAPTER III****AMENDMENTS TO THE HINDU MARRIAGE ACT, 1955**

- Amendment of Section 19. 4. In the Hindu Marriage Act, 1955 (hereinafter referred to as the Hindu Marriage Act), in Section 19, in sub-section (1), after clause (iii), the following clause shall be inserted, namely :—

“(iiiia) in case the wife is the petitioner, where she is residing on the date of presentation of the petition; or”.

- Amendment of Section 28. 5. In Section 28 of the Hindu Marriage Act, in sub-section (4), for the words “period of thirty days”, the words “period of ninety days” shall be substituted.

**CHAPTER IV****MISCELLANEOUS**

- Transitory provision 6. All decrees and orders made by the court in any proceedings under the Special Marriage Act or the Hindu Marriage Act shall be governed under the provisions contained in Section 3 or Section 5, as the case may be, as if this Act came into operation at the time of the institution of the suit:

Provided that nothing in this section shall apply to a decree or order in which the time for appealing has expired under the Special Marriage Act or the Hindu Marriage Act at the commencement of this Act.

**THE ELECTRICITY (AMENDMENT) ACT, 2003****An  
ACT***to amend the Electricity Act, 2003.*

Be it enacted by Parliament in the fifty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Electricity (Amendment) Act, 2003.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

36 of 2003.

2. In Section 14 of the Electricity Act, 2003 (hereinafter referred to as the Principal Act), in the sixth proviso, for the brackets and words “(including the capital adequacy, creditworthiness, or code of conduct)”, the words “relating to the capital adequacy, creditworthiness, or code of conduct” shall be substituted.

Amendment of  
Section 14.

Amendment of  
Section 42.

3. In Section 42 of the Principal Act, in sub-section (2), after the fourth proviso, the following proviso shall be inserted, namely :—

“Provided also that the State Commission shall, not later than five years from the date of commencement of the Electricity (Amendment) Act, 2003, by regulations, provide such open access to all consumers who require a supply of electricity where the maximum power to be made available at any time exceeds one megawatt.”

Substitution of new  
section for Section  
121.

4. For Section 121 of the Principal Act, the following section shall be substituted, namely :—

Power of Appellate  
Tribunal

“121. The Appellate Tribunal may, after hearing the Appropriate Commission or other interested party, if any, from time to time, issue such orders, instructions or directions as it may deem fit, to any Appropriate Commission for the performance of its statutory functions under this Act”.

Amendment of  
Section 135.

5. In Section 135 of the Principal Act, in sub-section (2),—

(i) in clause (a), for the words “has been, is being, is likely to be,” the words “has been or is being” shall be substituted;

(ii) in clause (b), for the words “has been, is being, or is likely to be”, the words “has been or is being” shall be substituted.

Substitution of new  
Sections for  
Sections 139 and  
140.

6. For Sections 139 and 140 of the Principal Act, the following sections shall be substituted, namely :—

Negligently  
breaking or  
damaging works

“139. Whoever, negligently breaks, injures, throws down or damages any material connected with the supply of electricity, shall be punishable with fine which may extend to ten thousand rupees.

Penalty for  
intentionally injuring  
works

140 Whoever, with intent to cut off the supply of electricity, cuts or injures, or attempts to cut or injure, any electric supply line or works, shall be punishable with fine which may extend to ten thousand rupees”.

Amendment of  
Section 146.

7. In Section 146 of the Principal Act, the following proviso shall be inserted, namely :—

“Provided that nothing contained in this section shall apply to the orders, instructions or directions issued under section 121”.

**THE CONSTITUTION (NINETY-FIRST AMENDMENT) ACT, 2003**  
**An**  
**ACT**

*further to amend the Constitution of India.*

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows :—

**1.** This Act may be called the Constitution (Ninety-first Amendment) Act, 2003.

Short title.

**2.** In article 75 of the Constitution, after clause (1), the following clauses shall be inserted, namely :—

Amendment of  
Article 75.

“(1A) The total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen per cent of the total number of members of the House of the People.

(1B) A member of either House of Parliament belonging to any political party who is disqualified for being a member of that House under paragraph 2 of the Tenth Schedule shall also be disqualified to be appointed as a Minister under clause (1) for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such member would expire or where he contests any election to either House of Parliament before the expiry of such period, till the date on which he is declared elected, whichever is earlier”.

Amendment of  
Article 164.

**3.** In Article 164 of the Constitution, after clause (1), the following clauses shall be inserted, namely :—

“(1A) The total number of Ministers, including the Chief Minister, in the Council of Ministers in a State shall not exceed fifteen per cent of the total number of members of the Legislative Assembly of that State:

Provided that the number of Ministers, including the Chief Minister, in a State shall not be less than twelve:

Provided further that where the total number of Ministers, including the Chief Minister, in the Council of Ministers in any State at the commencement of the Constitution (Ninety-first Amendment) Act, 2003 exceeds the said fifteen per cent or the number specified in the first proviso, as the case may be, then, the total number of Ministers in that State shall be brought in conformity with the provisions of this clause within six months from such date as the President may by public notification appoint.

(1B) A member of the Legislative Assembly of a State or either House of the Legislature of a State having Legislative Council belonging to any political party who is disqualified for being a member of that House under Paragraph 2 of the Tenth Schedule shall also be disqualified to be appointed as a Minister under clause (1) for duration of the period commencing

from the date of his disqualification till the date on which the term of his office as such member would expire or where he contests any election to the Legislative Assembly of a State or either House of the Legislature of a State having Legislative Council, as the case may be, before the expiry of such period, till the date on which he is declared elected, whichever is earlier”.

Insertion of new  
Article 361B

**4.**        After Article 361A of the Constitution, the following article shall be inserted, namely :—

Disqualification for  
appointment on  
remunerative  
Political post.

‘361B. A member of a House belonging to any political party who is disqualified for being a member of the House under paragraph 2 of the Tenth Schedule shall also be disqualified to hold any remunerative political post for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such member would expire or till the date on which he contests an election to a House and is declared elected, whichever is earlier.

*Explanation.*—For the purposes of this article,—

(a) The expression “House” has the meaning assigned to it in clause (a) of paragraph 1 of the Tenth Schedule;

(b) The expression “remunerative political post” means any office—

(i) under the Government of India or the Government of a State where the salary or remuneration for such office is paid out of the public revenue of the Government of India or the Government of the State, as the case may be; or.

(ii) Under a body, whether incorporated or not, which is wholly or partially owned by the Government of India or the Government of a State and the salary or remuneration for such office is paid by such body, except where such salary or remuneration paid is compensatory in nature’.

**5.**        In the Tenth Schedule to the Constitution.—

Amendment of the  
Tenth Schedule

(a) In paragraph 1, in clause (b), the words and figure “paragraph 3 or, as the case may be”, shall be omitted;

(b) in paragraph 2, in sub-paragraph (1), for the words and figures “paragraph 3, 4 and 5”, the words and figures “paragraphs 4 and 5” shall be substituted;

(c) Paragraph 3 shall be omitted.

**THE REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT)  
ACT, 2003**

**An  
ACT**

*further to amend the Representation of the People Act, 1950 and the  
Representation of the People Act, 1951.*

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows :—

**CHAPTER I**

PRELIMINARY

1. (1) This Act may be called the Representation of the People (Second Amendment) Act, 2003. Short title and commencement.

(2) It shall be deemed to have come into force on the 29th day of October, 2003.

**CHAPTER II**

AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1950

Amendment of  
Section 13AA of  
Act 43 of 1950.

2. In section 13AA of the Representation of the People Act, 1950, in sub-section (1), the words “other than a Union Territory,” shall be omitted.

**CHAPTER III**

AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

Amendment of  
Sections 26 and 78  
of Act 43 of 1951.

3. In the Representation of the People Act, 1951,—  
(a) In section 26, sub-section (5) shall be omitted;  
(b) In section 78, sub-section (2) shall be omitted.

Repeal and saving

4. (1) The Representation of the People (Amendment) Ordinance, 2003 is hereby repealed. Order 5 of 2003.

(2) Notwithstanding such repeal, anything done or any action taken under the Representation of the People Act, 1950 and the Representation of the People Act, 1951 as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts, as amended by this Act. 43 of 1950.  
43 of 1951.

**THE DELIMITATION (AMENDMENT) ACT, 2003**

**An  
ACT**

*to amend the Delimitation Act, 2002.*

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Delimitation (Amendment) Act, 2003. Short title and commencement.

(2) It shall be deemed to have come into force on the 31st day of October, 2003.

33 of 2002.	<p><b>2.</b> In section 3 of the Delimitation Act, 2002 (hereinafter referred to as the Principal Act), for the Explanation, the following Explanation shall be substituted, namely :—</p> <p><i>“Explanation.—For the purposes of clause (c), the State Election Commissioner of concerned State,—</i></p> <p>(i) In respect of the duties of the Commission relating to a State (other than States of Meghalaya, Mizoram and Nagaland), means the State Election Commissioner appointed by the Governor of that State under clause (1) of Article 243K; and</p> <p>(ii) In respect of the duties of the Commission relating to the State of Meghalaya or the State of Mizoram or the State of Nagaland, as the case may be, means a person nominated by the Governor of that State for such purposes.”</p>	Amendment of Section 3.
Amendment of Section 4.	<p><b>3.</b> In Section 4 of the Principal Act, in sub-section (2), for the figures “1991,” the figures “2001” shall be substituted.</p>	
Amendment of Section 8.	<p><b>4.</b> In section 8 of the Principal Act,—</p> <p>(i) In clause (a), for the figures “1991”, the figures “2001” shall be substituted;</p> <p>(ii) In clause (b), for the figures “1991”, the figures “ 2001 ” shall be substituted.</p>	
Amendment of Section 9.	<p><b>5.</b> In section 9 of the Principal Act, in sub-section (1) for the figures “1991”, the figures “2001” shall be substituted.</p>	Order 6 Of 2003.
Repeal and saving.	<p><b>6. (1)</b> The Delimitation (Amendment) Ordinance, 2003 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the Principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the Principal Act, as amended by this Act.</p>	
<p style="text-align: center;"><b>THE PREVENTION OF TERRORISM (AMENDMENT) ACT, 2003</b>  <b>An</b>  <b>ACT</b>  <i>to amend the Prevention of Terrorism Act, 2002.</i></p> <p>Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows :—</p>		
	<p><b>1. (1)</b> This Act may be called the Prevention of Terrorism (Amendment) Act, 2003.</p>	Short title and commencement.
15 of 2002.	<p>(2) It shall be deemed to have come into force on the 27th day of October, 2003.</p>	Amendment of Section 60.

2. In section 60 of the Prevention of Terrorism Act, 2002, after sub-section (3), the following sub-sections shall be inserted, namely :—

“(4) Without prejudice to the other provisions of this Act, any Review Committee constituted under sub-section (1) shall, on an application by any aggrieved person, review whether there is a *prima facie* case for proceeding against the accused under this Act and issue directions accordingly.

(5) Any direction issued under sub-section (4),—

(i) By the Review Committee constituted by the Central Government, shall be binding on the Central Government, the State Government and the police officer investigating the offence; and

(ii) By the Review Committee constituted by the State Government, shall be binding on the State Government and the police investigating the offence.

(6) Where the reviews under sub-section (4) relating to the same offence under this Act, have been made by a Review Committee constituted by the Central Government and a Review Committee constituted by the State Government, under sub-section (1), any direction issued by the Review Committee constituted by the Central Government shall prevail.

(7) Where any Review Committee constituted under sub-section (1) is of opinion that there is no *prima facie* case for proceeding against the accused and issues directions under sub-section (4), then, the proceedings pending against the accused shall be deemed to have been withdrawn from the date of such direction.”

Repeal and saving.

3. (1) The Prevention of Terrorism (Amendment) Ordinance, 2003, is hereby repealed.

Order 4 of 2003.

(2) Notwithstanding such repeal, anything done or any action taken the Prevention of Terrorism Act, 2002, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act, as amended by this Act.

15 of 2002.

### THE CITIZENSHIP (AMENDMENT) ACT, 2003

#### An ACT

*further to amend the Citizenship Act, 1955.*

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Citizenship (Amendment) Act, 2003.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint :



Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

57 of 1955.

**2.** In section 2 of the Citizenship Act, 1955 (hereinafter referred to as the Principal Act), in sub-section (1),—

Amendment of  
Section 2.

(i) For clauses (b) and (c) and the proviso to clause (c), the following clause shall be substituted, namely :—

(b) “illegal migrant” means a foreigner who has entered into India—

(i) Without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or

(ii) With a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf but remains therein beyond the permitted period of time;

(iii) after clause (e), the following clause shall be inserted, namely:—

‘(ee) “overseas citizen of India” means a person who—

(i) is of Indian origin being a citizen of a specified country, or

(ii) was a citizen of India immediately before becoming a citizen of a specified country, and is registered as an overseas citizen of India by the Central Government under sub-section (1) of section 7A’;

(iii) after clause (g), the following clause shall be inserted, namely :—

‘(gg) “Specified country” means a country specified in the Fourth Schedule:

Provided further that the Central Government may, by notification in the Official Gazette, amend the said Schedule by way of addition or omission of any entry therein:

Provided further that every notification issued under this clause shall, as soon as may be, after is made, be laid before each House of Parliament’;

Substitution of  
new Section for  
Section 3.

**3.** For section 3 of the principal Act, the following section shall be substituted, namely :—

Citizenship  
by birth.

“3 (1) Except as provided in sub-section (2), every person born in India—

(a) On or after the 26th day of January, 1950, but before the 1st day of July, 1987;

(b) On or after the 1st day of July, 1987, but before the commencement of the Citizenship (Amendment) Act, 2003 and either of whose parents is a citizen of India at the time of his birth;

(c) On or after the commencement of the Citizenship (Amendment) Act, 2003, where—

(i) both of his parents are citizens of India; or

(ii) one of whose parents are citizen of India and the other is not an illegal migrant at the time of his birth,

shall be a citizen of India by birth.

(2) A person shall not be a citizen of India by virtue of this section if at the time of his birth—

(a) either his father or mother possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and he or she, as the case may be, is not a citizen of India; or

(b) his father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.”

Amendment of  
Section 4.

4. In section 4 of the Principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) A person born outside India shall be a citizen of India by descent,—

(a) on or after the 26th day of January, 1950, but before the 10th day of December, 1992, if his father is a citizen of India at the time of his birth; or

(b) on or after the 10th day of December, 1992, if either of his parents is a citizen of India at the time of his birth:

Provided that if the father of a person referred to in clause (a) was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section unless—

(a) his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this act, whichever is later, or with the permission of the Central Government, after the expiry of the said period; or

(b) his father is, at the time of his birth, in service under a Government in India:

Provided further that if either of the parents of a person referred to in clause (b) was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section, unless—

(a) his birth is registered at an Indian consulate within one year of its occurrence or on or after the 10th day of December, 1992, whichever is later, or, with permission of the Central Government, after the expiry of the said period; or

(b) either of his parents is, at the time of his birth, in service under a Government in India:

Provided also that on or after the commencement of the Citizenship (Amendment) Act, 2003, a person shall not be a citizen of India by virtue of this Section, unless his birth is registered at an Indian consulate in such form and in such manner, as may be prescribed,—

(i) within one year of its concurrence or the commencement of the Citizenship (Amendment) Act, 2003, whichever is later; or

(ii) with the permission of the Central Government, after the expiry of the said period:

Provided also that no such birth shall be registered unless the parents of such person declare, in such form and in such manner as may be prescribed, that the minor does not hold the passport of another country.

(1A) A minor who is a citizen of India by virtue of this section and also a citizen of any other country shall cease to be a citizen of India if he does not renounce the citizenship or nationality of another country within six months of attaining full age.

5. In Section 5 of the Principal Act,—

Amendment of  
Section 5.

(a) for sub-section (1), the following shall be substituted, namely:—

“(1) Subject to the provisions of this section and such other conditions and restrictions as may be prescribed, the Central Government may, on an application made in this behalf, register as a citizen of India any person not being an illegal migrant who is not already such citizen by virtue of the Constitution or any other provision of this Act if he belongs to any of the following categories, namely :—

(a) A person of Indian origin who is ordinarily resident in India for seven years before making an application for registration;

(b) A person of Indian origin who is ordinarily resident in any country or place outside undivided India;

(c) A person who is married to a citizen of India and is ordinarily resident in India for seven years before making an application for registration;

(d) Minor children of persons who are citizens of India;

(e) A person of full age and capacity whose parents, are registered as citizens of India under clause (a) of this sub-section or sub-section (1) of Section 6;

(f) A person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and has been residing in India for one year immediately before making an application for registration;

(g) A person of full age and capacity who has been registered as an overseas citizen of India for five years, and who has been residing in India for two years before making an application for registration.

*Explanation 1.*—For the purposes of clauses (a) and (c), an applicant shall be deemed to be ordinarily resident in India if—

(i) He has resided in India throughout the period of twelve months immediately before making an application for registration; and

(ii) He has resided in India during the eight years immediately proceeding the said period of twelve months for a period of not less than six years.

*Explanation 2.*—For the purposes of this sub-section, a person shall be deemed to be of Indian origin if he, or either of his parents, was born in undivided India or in such other territory which became part of India after the 15th day of August, 1947.”

(b) After sub-section (5), the following sub-section shall be inserted, namely :—

“(6) If the Central Government is satisfied that circumstances exist which render it necessary to grant exemption from the residential requirement under clause (c) of sub-section (1) to any person or a class of persons, it may, for reasons to be recorded in writing, grant such exemption.”

Amendment of  
Section 6.

**6.** In section 6 of the principal Act, in sub-section (1), for the words “who is not a citizen of a country specified in the First Scheduled,” the words “not being an illegal migrant” shall be substituted.

Insertion of  
heading and new  
Sections 7A, 7B,  
7C and 7D.

**7.** After section 7 of the Principal Act, the following heading and sections shall be inserted namely:—

#### **‘OVERSEAS CITIZENSHIP**

Registration of  
overseas citizens.

**7A. (1)** The Central Government may, subject to such conditions and restrictions including the condition of reciprocity as may be prescribed, on an application made in this behalf, register any person as an overseas citizen of India if—

(a) That person is of Indian origin of full age and capacity who is a citizen of a specified country; or

(b) That person is of full age and capacity who has obtained the citizenship of a specified country on or after the commencement of the Citizenship (Amendment) Act, 2003 and who was a citizen of India immediately before such commencement; or

(c) That person is a minor of a person mentioned in clause (a) or clause (b).

(2) The person registered as an overseas citizen of India under such sub-section (1) shall be an overseas citizen of India as from the date on which he is so registered.

(3) No person who has been deprived of his Indian citizenship under this Act shall be registered as an overseas citizen of India under sub-section (1) except by an order of the Central Government.

*Explanation.*—For the purposes of this section and sections 7C, and 7D, the expression “person of Indian origin” shall mean a citizen of another country who—

(i) was eligible to become a citizen of India at the time of the commencement of the Constitution;

(ii) belonged to a territory that became part of India after the 15th day of August, 1947; and

(iii) the children and grand-children of a person covered under clauses (i) and (ii) but does not include a person who is or had been at any time a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify.

7B. (1) Notwithstanding anything contained in any other law for the time being in force, an overseas citizen of India shall be entitled to such rights [other than the rights specified under sub-section (2)] as the Central Government may, by notification in the Official Gazette, specify in this behalf.

Conferment of rights on overseas citizens of India.

(2) An overseas citizen of India shall not be entitled to the rights conferred on a citizen of India—

(a) under article 16 of the Constitution with regard to equality of opportunity in matters of public employment;

(b) under article 58 of the Constitution for election as President;

(c) under article 66 of the Constitution for election of Vice-President;

(d) under article 124 of the Constitution for appointment as a Judge of the Supreme Court;

(e) under article 217 of the Constitution for appointment as a Judge of the High Court;

43 of 1950. (f) under Section 16 of the Representation of the People Act, 1950 in regard to registration as a voter;

43 of 1951. (g) under Sections 3 and 4 of the Representation of the People Act, 1951 with regard to the eligibility for being a member of the House of the People or of the Council of States, as the case may be;

43 of 1951 (h) under Sections 5, 5A and 6 of the Representation of the People Act, 1951 with regard to the eligibility for being a member of the Legislative Assembly or a Legislative Council, as the case may be, of a State;

(i) for appointment to public services and posts in connection with the affairs of the Union or of any State except for appointment in such services and posts as the Central Government may by special order in that behalf specify.

(3) Every notification issued under sub-section (1) shall be laid before each House of Parliament.

7C. (1) If any overseas citizen of India of full age and capacity makes in the prescribed manner a declaration renouncing his overseas citizenship of India, the declaration shall be registered by the Central Government, and upon such registration, that person shall cease to be an overseas citizen of India.

Renunciation of overseas citizenship.

(2) Where a person ceases to be an overseas citizen of India under sub-section (1), every minor child of that person registered as an overseas citizen of India, shall thereupon cease to be an overseas citizen of India.

7D. The Central Government may, by order, cancel the registration granted under sub-section (1) of Section 7A if it is satisfied that—

Cancellation of registration as overseas citizen of India.

(a) the registration as an overseas citizen of India was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) the overseas citizen of India has shown disaffection towards the Constitution of India as by law established; or

(c) the overseas citizen of India has, during any war in which India may be engaged, unlawful traded or communicated with an enemy or been engaged in, or associated with, any business or commercial activity that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(d) The overseas citizen of India has, within five years after registration under sub-section (1) of Section 7A has been sentenced to imprisonment for a term of not less than two years; or

(e) it is necessary so to do in the interest of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public.'

8. In Section 8 of the Principal Act,—

Amendment of Section 8.

(a) in sub-section (1), the words "who is also a citizen or national of another country" shall be omitted;

(b) in the proviso to sub-section (2), after the word "declaration", the words "in the prescribed form and manner" shall be inserted;

(c) sub-section (3) shall be omitted.

Amendment of Section 9.

9. In Section 9 of the Principal Act, in sub-section (2), for the word "person", the words "citizen of India" shall be substituted.

Omission of Sections 11 and 12.

10. Sections 11 and 12 of the Principal Act shall be omitted.

Amendment of Section 14.

11. In Section 14 of the Principal Act, for the words and figures "sections 5 and 6", the words, figures and letter "sections 5, 6 and 7A" shall be substituted.

Insertion of new  
Section 14A.

**12.** After section 14 of the Principal Act, the following section shall be inserted, namely :—

Issue of national  
identity cards.

“14A. (1) The Central Government may compulsorily register every citizen of India and issue national identity card to him.

(2) The Central Government may maintain a National Register of Indian Citizens and for that purpose establish a National Registration Authority.

(3) On and from the date of commencement of the Citizenship (Amendment) Act, 2003, the Registrar General, India, appointed under sub-section (1) of section 3 of the Registration of Births and Deaths Act, 1969 shall act as the National Registration Authority and he shall function as the Registrar General of Citizen Registration.

18 of 1969

(4) The Central Government may appoint such other officers and staff as may be required to assist the Registrar General of Citizen Registration in discharging his functions and responsibilities.

(5) The procedure to be followed in compulsory registration of the citizens of India shall be such as may be prescribed.

Insertion of new  
Section 15A.

**13.** After section 15 of the Principal Act, the following section shall be inserted, namely :—

Review.

“15A. (1) Any person aggrieved by an order made by the Central Government may, within thirty days from the date of such order, make an application for review of such order:

Provided that the Central Government may entertain an application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time:

Provided further that an application for a review of an order passed in terms of the provisions of Section 14A shall be disposed of in the manner provided for in the procedure as may be laid down under clause (ia) of sub-section (2) of section 18.

(2) On receipt of an application under sub-section (1), the Central Government shall, make such order as it deems fit, and the decision of the Central Government on such review shall be final.”

Amendment of  
Section 17.

**14.** In section 17 of the Principal Act,—

(a) for the words “six months”, the words “five years” shall be substituted;

(b) for the words “with fine”, the words “with fine which may extend to fifty thousand rupees” shall be substituted.

Amendment of  
Section 18.

15. In section 18 of the Principal Act,—

(i) in sub-section (2),—

(a) after clause (a), the following clause shall be inserted, namely:—

“(aa) the form and manner in which a declaration under sub-section (1) of section 4 shall be made;”

(b) after clause (i), the following clause shall be inserted, namely:—

“(ia) the procedure to be followed in compulsory registration of the citizens of India under sub-section (5) of Section 14A ;”

(ii) in sub-section (3), the following proviso shall be inserted, namely:—

“Provided that any rule made in respect of a matter specified in clause (ia) of sub-section (2) may provide that a breach thereof shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.”.

16. The First Schedule to the Principal Act shall be omitted.

Omission of First Schedule.

17. For the Second Schedule to the Principal Act, the following Schedule shall be substituted namely:—

Substitution of Second Schedule by a new Schedule.

#### **“THE SECOND SCHEDULE**

*[See section 5(2) and 6(2)]*

#### **OATH OF ALLEGIANCE**

I, A/B.....do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully observe the laws of India and fulfil my duties as a citizen of India.”.

18. In the Third Schedule to the Principal Act,—

(a) in the opening portion, the words “who is not a citizen of a country specified in the First Schedule” shall be omitted;

Amendment of Third Schedule.

(b) in clause (b), for the words “he has renounced the citizenship of that country in accordance with the law therein in force in that behalf and has notified such renunciation to the Central Government”, the words “he undertakes to renounce the citizenship of that country in the event of his application for Indian citizenship being accepted” shall be substituted;

(c) in clause (d),—

(i) for the words “twelve years”, the words “fourteen years” shall be substituted;

(ii) for the words “nine years”, the words “eleven years” shall be substituted;

(d) in the proviso, in clause (ii), for the words “thirteen years”, the words “fifteen years” shall be substituted.

19. After the Third Schedule to the Principal Act, the following Schedule



Insertion of new  
Fourth Schedule..

shall be inserted, namely:—

**“THE FOURTH SCHEDULE**

*[See section 2 (1) (gg)]*

1. Australia.
2. Canada.
3. Finland.
4. France.
5. Greece.
6. Ireland.
7. Israel.
8. Italy.
9. Netherlands.
10. New Zealand.
11. Portugal.
12. Republic of Cyprus.
13. Sweden.
14. Switzerland.
15. United Kingdom.
16. United States of America.”

**THE CONSTITUTION (NINETY-SECOND AMENDMENT) ACT 2003**

**An**

**Act**

*further to amend the Constitution of India*

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows :—

**1.** This Act may be called the Constitution (Ninety-second Amendment) Act, 2003.

Short title.

**2.** In the Eighth Schedule to the Constitution,—

Amendment of  
Eighth Schedule.

(a) existing entry 3 shall be re-numbered as entry 5, and before entry 5 as so re-numbered, the following entries shall be inserted, namely:—

“3. Bodo

4. Dogri”;

(b) existing entries 4 to 7 shall respectively be re-numbered as entries 6 to 9;

(c) existing entry 8 shall be re-numbered as entry 11 as so re-numbered, the following entry shall be inserted, namely:—

“10. Maithili”;

(d) existing entries 9 to 14 shall respectively be re-numbered as entries 12 to 17;

(e) existing entry 15 shall be re-numbered as entry 19 and before entry 19 as so re-numbered, the following entry shall be inserted, namely:—

“18. Santhali”;

(f) existing entries 16 to 18 shall respectively be re-numbered as entries 20 to 22.

### THE FOREIGNERS (AMENDMENT) ACT 2004

**An**

**ACT**

*further to amend the Foreigners Act, 1946.*

Be it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows :—

**1.** This Act may be called the Foreigners (Amendment) Act, 2004.

Short title.

Substitution of  
new Sections for  
Section 14.

**2.** For Section 14 of the Foreigners Act, 1946, the following sections shall be substituted, namely:—

31 of 1946

Penalty for  
contravention of  
provisions of the  
Act, etc.

‘14. Whoever—

(a) remains in any area in India for a period exceeding the period for which the *visa* issued to him;

(b) does any act in violation of the conditions of the valid *visa* issued to him for his entry and stay in India or any part thereunder;

(c) contravenes the provisions of this Act or of any order made thereunder or any direction given in pursuance of this Act or such order for which no specific punishment is provided under this Act,

shall be punished with imprisonment for a for a term which may extend to five years and shall also be liable to fine; and if he has entered into a bond in pursuance of clause (f) of sub-section (2) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the convicting Court why such penalty should not be paid by him.

34 of 1920.

Penalty for entry in restricted areas, etc.

*Explanation.*—For the purposes of this section, the expression “visa” shall have the same meaning as assigned to it under the Passport (Entry into India) Rules, 1950 made under the Passport (entry into India) act, 1920.

14A. Whoever—

(a) enters into any area in India, which is restricted for his entry under any order made under this Act, or any direction given in pursuance thereof, without obtaining a permit from the authority, notified by the Central Government in the Official Gazette, for this purpose or remains in such area beyond the period specified in such permit for his stay; or

(b) enters into or stays in any area in India without the valid documents required for such entry or for such stay, as the case may be, under the provisions of any order made under this Act or any direction given in pursuance thereof,

shall be punished with imprisonment for a term which shall not be less than two years, but may extend to eight years and shall also be liable to fine which shall not be less than ten thousand rupees but may extend to fifty thousand rupees; and if he has entered into a bond in pursuance of clause (f) of sub-section (2) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid by him.

Penalty for using forged passport.

14B. Whoever knowingly uses a forged passport for entering into India or remains therein without the authority of law for the time being in force shall be punishable with imprisonment for a term which shall not be less than two years, but may extend to eight years and shall also be liable to fine which shall not be less than ten thousand rupees but may extend to fifty thousand rupees.

Penalty for abetment.

14C. Whoever abets any offence punishable under section 14 or section 14A or section 14B shall, if the act abetted is committed in consequence of the abetment, be punished with the punishment provided for the offence.

*Explanation*—For the purposes of this section—

(i) an act or offence is said to be committed in consequence of the abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the offence;

45 of 1860.

(ii) the expression “abetment” shall have the same meaning as assigned to it under Section 107 of the Indian Penal Code.’

### THE CONSTITUTION (EIGHTY-EIGHTH AMENDMENT) ACT 2003

**An**

**Act**

*further to amend the Constitution of India*

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows :—

Insertion of new article 268A.

1. (1) This Act may be called the Constitution (Eighty-eighth Amendment) Act, 2003.

Short title and commencement.

Insertion of new  
article 268A.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** After article 268 of the Constitution, the following article shall be inserted, namely:—

Service tax levied  
by Union and  
collected and  
appropriated by the  
Union and the  
States.

“268A. (1) Taxes on services shall be levied by the Government of India and such tax shall be collected and appropriated by the Government of India and the States in the manner provided in clause (2).

(2) The proceeds in any financial year of any such tax levied in accordance with the provisions of clause (1) shall be—

(a) collected by the Government of India and the States;

(b) appropriated by the Government of India and the States, in accordance with such principles of collection and appropriation as may be formulated by Parliament by law ”.

Amendment of  
Article 270.

**3.** In Article 270 of the Constitution, in clause (1), for the words and figures “Articles 268 and 269, ” the words, figures and letter “Articles 268, 268A and 269 ” shall be substituted.

Amendment of  
Seventh Schedule.

**4.** In the Seventh Schedule to the Constitution, in **List I—Union List**, after entry 92B, the following entry shall be inserted namely :—

“92C. Taxes on services”.

The above Bill has been passed by the Houses of Parliament in accordance with the provisions of Article 368 of the Constitution and has also been ratified by the Legislatures of not less than one-half of the States by resolutions to that effect as required under the proviso to clause (2) of the said article.